

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the following discussion is respectfully requested. Claims 1-63 are pending.

The outstanding Office Action appears to maintain the rejection of Claims 1-63 under 35 U.S.C. § 102(b) as unpatentable over U.S. Patent No. 6,317,727 to May ("May").

Applicant traverses this rejection for the reasons previously set forth in the Request for Reconsideration filed February 18, 2004.

Additionally, Applicant notes that the filing date of the May reference is October 12, 1998. Assuming that the subject matter identified in the outstanding Office Action in the May reference is also found in the provisional application to which the May reference claims priority, then the May reference would have an effective filing date of October 14, 1997 with respect to that subject matter.

Applicant submits that the present invention was conceived before the October 14, 1997 priority date of the May reference. Specifically, Applicant's provisional application Serial No. 60/074,588, filed February 13, 1998, contains descriptions of Applicant's invention that predate the October 14, 1997 priority date of the May reference. In support of the present inventors' earlier conception date, Applicant submits herewith declarations of all inventors in accordance with 37 C.F.R. § 1.131 ("Declarations").

Among the descriptions of the invention in Applicant's provisional application is an Information Booklet that was completed by June 1997. (Declarations ¶¶ 4, 5) The document is found at pages 11-71 of the Applicant's provisional application. Additionally, Applicant's provisional application includes a Bloomberg article entitled, "A Package Repo Wrapped in Benchmark Financing" at pages 154-156 of Applicant's provisional application. Additional articles discussing the invention of the Applicant are found at pages 157-160 of Applicant's provisional application. (Declarations ¶ 8.)

Accordingly, the invention of the independent claims was conceived before the October 14, 1997 priority date of the May reference. (Declarations ¶ 3.) Thus, the May reference is not prior art to the present application.

Further, Applicant's provisional application was filed February 13, 1998. Prior to that, Applicant had disclosed its invention publicly, which resulted in the articles at pages 154-160 of Applicant's divisional application. Applicant worked diligently to reduce the invention to practice, as evidenced by the Information Booklets dated June 1997 and November 1997, respectively, in the provisional application. (Declarations ¶¶ 5, 7.)

In light of the foregoing, Applicant respectfully requests that the outstanding rejection over the May reference be withdrawn. As no further issues are believed to be outstanding in this application, Applicant respectfully requests that the present application be allowed and be passed to issue.

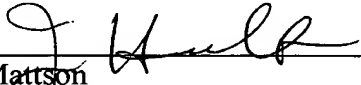
Respectfully submitted,

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